



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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February 12, 2015

To: The Honorable Mark M. Nakashima, Chair,
The Honorable Jarrett Keohokalole, Vice Chair, and
Members of the House Committee on Labor and Public Employment

Date: February 13, 2015
Time: 9:30 a.m.
Place: Conference Room 309, State Capitol

From: Elaine N. Young, Acting Director
Department of Labor and Industrial Relations (DLIR)

**Re: H.B. No. 951 Relating to Notice of Hearing by the Labor and
Industrial Relations Appeals Board**

I. OVERVIEW OF PROPOSED LEGISLATION

To allow the Labor and Industrial Relations Appeals Board (LIRAB) the option to provide notice of hearing by online posting on the LIRAB's webpage if service by first class mail is undeliverable.

The department strongly supports this Administration proposal, which is consistent with the Administration's efforts to make government more efficient without sacrificing levels of service.

II. CURRENT LAW

The LIRAB is currently subject to chapter 91, which requires the Board to provide notice of hearing by publication in a newspaper of general circulation if service by first class mail cannot be made.

III. COMMENTS ON THE HOUSE BILL

One strategy to preserve services during the "Great Recession" was to severely reduce the operating budgets in the department and no restoration has occurred. The DLIR has addressed this by using Administration proposals to improve business processes and using technology to improve the delivery of DLIR's

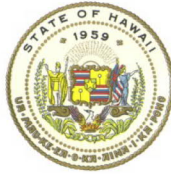
programs and quality of services to Hawaii's people [Act 261 (SLH, 2012), Act 262 (SLH, 2012), Act 14 (SLH, 2013), Act 15 (SLH, 2013), Act 96 (SLH, 2013), Act 98 (SLH, 2013)].

SB1120 offers the opportunity for the LIRAB to use the operational savings to help meet the increased need to service persons with Limited English Proficiency (LEP) and take small steps towards going paperless, among other costs.

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TTY/TDD (808) 586-8844

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SHAN S. TSUTSUI
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February 12, 2015

TO: The Honorable Mark M. Nakashima, Chair
The Honorable Jarrett K. Keohokalole, Vice Chair, and
Members of the House Committee on Labor and Public Employment

DATE: Tuesday, February 13, 2015
TIME: 9:30 A.M.
PLACE: Conference Room 016, State Capitol

FROM: Danny J. Vasconcellos, Chair
Labor and Industrial Relations Appeals Board

**RE: H.B. 951 Relating to Notice of Hearing by the Labor and
Industrial Relations Appeals Board (LIRAB)**

I. OVERVIEW OF PROPOSED LEGISLATION

HB951 is an Administration proposal that authorizes LIRAB the option to provide notice of hearing to a party by online posting on LIRAB's webpage if service of the notice by first class mail is returned as undeliverable and a forwarding address for the party cannot be ascertained after a reasonable and diligent effort.

LIRAB strongly supports HB951 because online posting of notice of hearing provides an effective and cost-saving option to publication of the notice by newspaper.

II. CURRENT LAW

LIRAB is subject to the Administrative Procedures Act (APA) in Chapter 91 of the Hawaii Revised Statutes (HRS). The APA requires LIRAB to provide notification of hearing to a party who has a pending appeal at LIRAB. Under section 371-4(c), HRS, the manner of providing such notice is by first class mail. If, however, the notice is returned as undeliverable or a party moves away and a forwarding address cannot be ascertained after a reasonable and diligent effort, LIRAB is required by section 371-4(d), HRS to provide notice of hearing by publication in a newspaper of general circulation.

III. COMMENTS ON THE SENATE BILL

Notice by newspaper publication is costly and has not been an effective means of providing notice to a party. An average newspaper ad costs the LIRAB \$383.00. LIRAB spent close to \$5,000 in newspaper ads in the last four years. At least for the last twenty-five years, no party has ever appeared at LIRAB for a hearing after notice by newspaper publication.

The notice of hearing that the LIRAB seeks authority to post online is not a public notice directed at a group or the general population. It is directed at a specific party who, at one time, was a participant in a pending LIRAB appeal, but has since abandoned the appeal, moved away without a forwarding address, or whose address cannot be ascertained.

The option to provide notice of hearing by posting on the LIRAB's webpage is effective and economical. The LIRAB already has an online presence on the department's website (labor.hawaii.gov). Information posted online is more readily accessible than information buried in legal print ads. Public libraries provide computers and internet connection to those who do not own computers.

Online posting of information has become commonplace in today's digital world. Many State departments and boards already post notices of meetings and other events on their websites.

This proposed bill is consistent with the Administration's efforts to use technology to improve efficiency and reduce costs without sacrificing customer service.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 11:19 AM
To: LABtestimony
Cc: mukaida88@aol.com
Subject: Submitted testimony for HB951 on Feb 13, 2015 09:30AM
Attachments: 2015-02-09 _whm testimony re electronic filing of TPs.pdf

HB951

Submitted on: 2/11/2015

Testimony for LAB on Feb 13, 2015 09:30AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Mukaida	Individual	Oppose	No

Comments: I strongly oppose HB 951.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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